

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**IN RE: YASMIN AND YAZ
(DROSPIRENONE) MARKETING, SALES
PRACTICES AND PRODUCTS LIABILITY
LITIGATION**

)
) **3:09-md-02100-DRH-PMF**
)
) **MDL No. 2100**
)

This Document Relates to:

*Laura Barkley, et al. v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*¹

No. 3:10-cv-12951-DRH-PMF

*Jenny Reza, et al. v.
Bayer HealthCare Pharmaceuticals, Inc., et al.*²

No. 3:10-cv-12717-DRH-PMF

**ORDER ON BAYER HEALTHCARE PHARMACEUTICALS INC.'S
MOTION TO DISMISS WITH PREJUDICE**

This matter is before the Court on defendant Bayer HealthCare Pharmaceuticals Inc's ("Bayer") motion, pursuant to Case Management Order 12 ("CMO 12"), for an Order dismissing plaintiffs' claims in the above-captioned matters with prejudice for failure to comply with their Plaintiff Fact Sheet ("PFS") obligations.

On July 18, 2011, Bayer moved to dismiss plaintiffs in the *Barkley* and *Reza* matters without prejudice for failure to comply with PFS obligations.³ The Court granted these motions on August 25, 2011.⁴ More than 60 days since the entry of the order of dismissal without prejudice has passed, and plaintiffs still have not complied with their PFS obligations. Accordingly, pursuant to Section E

¹ This Order applies to Plaintiff Laura Barkley only.

² This Order applies to Plaintiff Guadalupe Hinojos only.

³ Barkley Doc. 6; Reza Doc. 6.

⁴ Barkley Doc. 7; Reza Doc. 7.



of CMO 12, Bayer respectfully requests that the Court issue an Order converting the dismissal without prejudice to a dismissal with prejudice.

Having considered the motion and the relevant provisions of CMO 12, the Court **ORDERS** as follows:

Plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with CMO 12. Accordingly, pursuant to Section E of CMO 12, **plaintiffs' individual complaints are hereby dismissed with prejudice.** Further, the Clerk is not directed to enter judgment at this time as plaintiffs with viable claims remain in each of the above titled cases.

IT IS SO ORDERED.

Signed this 21st day of December, 2011.

  David R. Herndon
2011.12.21
14:53:24 -06'00'
Chief Judge
United States District Court